

REMARKS

Claims 13-16 are pending in the application. Claims 13-16 have been rejected.

Claim Rejections – 35 USC § 103

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rise et al (US 5,752,930) in view of Urry (US 5,519,004).

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heil, Jr. (US 5,041,107) in view of Urry.

Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rise et al (US 5,752,930) in view of Urry (US 5,519,004) in further view of Grotendorst et al (US 5,783,187).

Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heil, Jr. (US 5,041,107) in view of Urry in further view of Tamatani et al (US 6,562,618).

Applicants submit that the above amendments to claim 13 render all of the rejections moot.

The Amendment

Claim 13 has been amended to recite that the storage area comprises a plurality of storage compartments. This amendment is supported in the application as filed at, for example, FIG. 2, paragraphs 0010 and 0034, and claim 4 as originally filed. Accordingly, the amendment does not introduce any new matter. Entry of the amendment is respectfully requested.

Discussion

The claims as proposed describe an implantable drug delivery system wherein the storage area of the system comprises a plurality of storage compartments. This enables a patient into whom the system has been implanted to deliver a predetermined dose of a medicament by merely activating a delivery means such as a pump. Moreover, the presence of a plurality of storage compartments provides the patient with a long-term supply of the medicament. None of the references relied upon by the Examiner disclose or suggest this concept. In fact, only Rise and Heil even disclose a structure for a drug delivery device.

Rise discloses a device in which a syringe is used to deliver medicament to a single chamber reservoir. Heil discloses that the catheter acts as the reservoir for the medicament. This catheter is also a single chamber reservoir. Since neither of these references discloses or suggests the use of a plurality of storage compartments for the medicament, neither can suggest the invention as now claimed. Therefore, none of the combinations of references relied upon by the Examiner can support the rejection of claims 13-16 under 35 U.S.C. 103(a). Withdrawal of these rejections is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants submit that the application is in condition for allowance, and respectfully request that it be passed to issue. The Examiner is invited to telephone the undersigned in the event that such communication is deemed to expedite prosecution of this application.

Respectfully Submitted,

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